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Attorney for Defendants

Mohan Ramavath Naik

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

TEXILA AMERICAN UNIVERSITY, A
FOREIGN CORPORATION,

Plaintiff,

v.

MOHAN RAMAVATH NAIK,
Defendant.

Case No:

**DEFENDANT MOHAN RAMAVATH NAIK
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1335, and
1441

Multnomah County Circuit Court Case No.
17CV19467

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I. NOTICE OF REMOVAL

TO: The United States District Court for the DISTRICT OF OREGON, Portland Division; Clerk of the Multnomah County Oregon Circuit Court, and to Steven C. Burke attorney for Plaintiff, PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1332(a)(2), Defendant MOHAN RAMAVATH NAIK ("Defendant") hereby remove the State court action, currently pending in the Multnomah County Oregon Circuit Court, to the United States District Court for the District of Oregon, Portland Division. This action is being removed to federal court based on diversity jurisdiction and federal questions.

1. On May 15, 2017, the Defendant received a copy of the Complaint filed by TEXILA AMERICAN UNIVERSITY ("Plaintiff") in the Circuit Court of the State of Oregon, for the County of Multnomah, Case No. 17CV19467, entitled,

**TEXILA AMERICAN UNIVERSITY, A FOREIGN CORPORATION,
Plaintiff,
v.
MOHAN RAMAVATH NAIK,
Defendant.**

A true and correct copy of the Complaint served on Defendant is attached as **Exhibit A.**

2. This notice of Removal is filed with this Court within thirty (30) days of service of the Complaint on Defendants as required by 28 U.S.C § 1446(b). A true and correct copy of the Multnomah County State Court Docket, dated June 12, 2017, is attached as **Exhibit B.**

II. JURISDICTION

3. **Diversity**. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332, 1335, and 1441 because complete diversity of citizenship exists between the parties, and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs. **Citizenship of Parties.**

- a. Defendant **MOHAN RAMAVATH NAIK** is an Alien admitted to the United States for permanent residence and is a permanent resident of the State of Oregon, he is therefore a Citizen of the State of Oregon for purposes of removal. He resides at 11772 SE Fuller Road, Portland, Oregon 97222. For purposes of removal, the citizenship of any unnamed defendants shall be disregarded under 28 USC § 1441(b)(1).
- b. Plaintiff **TEXILA AMERICAN UNIVERSITY** (TEXILA) is a foreign corporation. It is a citizen of Guyana, South America, where its principal place of business is believed to be Woolford Ave, Georgetown, Guyana, South America. Its telephone number is believed to be +592 231 8118. It lists its website as <https://www.tauedu.org>.
- c. The amount in controversy is \$10,000,000 and which exceeds \$75,000 exclusive of interests and costs.

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III. PROCEDURAL REQUIREMENTS

4. Removal to Proper Court. Venue lies in this Court because the Action is pending in Multnomah County Circuit Court, which is within this District and Division. 28 U.S.C § 1446(a).

5. Removal is timely. Defendants received a copy of the Complaint on November 11, 2016 and this notice of Removal is filed within 30 days of Defendants receipt of the initial pleading alleging a basis for removal.

6. Notice. Concurrently with the filing of this Notice of Removal, Defendants are giving written notice of removal to Plaintiffs and filing a copy of this Notice of Removal with the Clerk of the Circuit Court for the State of Oregon for the County of Multnomah pursuant to 28 U.S.C § 1446(d).

7. Defendant has good and sufficient defenses to this action and do not waive any defenses, jurisdictional or otherwise, by filing this Notice.

8. This Notice is filed in accordance with Rule 11 of the Federal Rules of Civil Procedure.

9. Pleadings and Process. The Complaint attached hereto as **Exhibit 1** is the only pleading on file in the State Court Action. 28 U.S.C § 1446(a).

10. Notice. A copy of the Notice to Adverse Party of Filing of Notice of Removal will be timely filed with the clerk of the State Court in which the action is pending and served on Plaintiff pursuant to 28 U.S.C § 1446(d).

11. Signature. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C § 1446(a).

12. Bond and Verification. Pursuant to Section 1016 of the Judicial Improvements and Access to Justice Act of 1988, no bond is required in connection with this Notice of Removal. Pursuant to Section 1016 of the Act, this Notice need not be verified.

13. Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(2), and the claims may be removed to this Court under 28 U.S.C §§ 1441 and 1446.

14. In the event that Plaintiff seeks to remand this case, or the Court considers remand, *sua sponte* Defendant respectfully requests the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

15. This notice is filed in accordance with Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, defendants remove this action from the Circuit Court for the State of Oregon, for the County of Multnomah, Case No. **17CV19467**, to the Portland Division of the United States District Court for the District of Oregon.

DATED: June 12, 2017

/s/ Terry Scannell
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Email: terry@scannellaw.com
7128 SW Gonzaga St. #220
Portland, Oregon 97223
Telephone: (503) 776-0806
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2017 I electronically filed the foregoing **DEFENDANT MOHAN RAMAVATH NAIK NOTICE OF REMOVAL** with the Clerk of the Court using the CM/ECF system which will send email notification of such filing to the following:

Steven C. Burke, OSB #002198
Case & Dusterhoff, LLP
9800 SW Beaverton Hillsdale Hwy
Suite 200
Beaverton, Oregon 97005
Attorney for Plaintiff

☐ **Via Delivery by Messenger**
☒ **Via First Class Mail**
☐ **Via Court Electronic Service**
☐ **Email**

Dated: June 12, 2017

/s/ Terry Scannell
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